



IFW

MAIL STOP PETITIONS

3009-1015
PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Brian COTTRELL

Conf. No. 2058

Serial No. 10/529,178

Group 2837

Filed March 24, 2005

Office of Petitions

DIAGNOSTIC TOOL FOR AN ENERGY CONVERSION APPLIANCE

**PETITION UNDER 37 CFR §1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT**

Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

January 9, 2007

Sir:

Withdrawal of the holding of abandonment in the above-identified application pursuant to 37 CFR §1.181 and Section 711.03(c) of the Manual of Patent Examining Procedure is respectfully requested for the following reasons:

On January 3, 2007 Examiner Stephen J. CHERRY telephoned the undersigned attorney's firm of Young & Thompson, inquiring as to whether a responsive amendment had been filed in response to an Official Action mailed on June 28, 2006, in the above-captioned application.

Upon apprising the Examiner, that we had never received any Official Action dated June 28, 2006, we promptly turned to the Private Patent Application Information Retrieval

system (Private PAIR) on the USPTO web site, and obtained a copy of the Table of Contents for the present application Serial No. 10/529,178. In addition, we reviewed the contents of the image file wrapper for such application, and obtained a copy of the non-received Official Action.

Accordingly, it is clear that the Examiner and the USPTO consider the above-captioned application abandoned, as no response was filed to the non-received Official Action of June 28, 2006.

The undersigned registered patent attorney hereby states that no Official Actions have been received from the United States Patent and Trademark Office in the above-captioned application, and attests to the fact that a search of the file jacket and docket records confirms that no USPTO action on the merits has been received since the filing of the application on March 24, 2005.

Petitioner submits herewith as Exhibit A, a copy of the docket record where the non-received Official Action would have been entered had it been received and docketed for a response due on September 28, 2006. In addition, petitioner also submits as Exhibit B, a copy of the file jacket of the above-identified application, which clearly reveals that no entry concerning the receipt of a USPTO Official Action on the merits has been made thereon since the filing of the application on March 24, 2005.

A careful review of the accompanying Exhibit C, which includes the contents of the Image File Wrapper for

this application, will reveal that on July 10, 2006 a 15-page final rejection was allegedly mailed by the USPTO. However, a careful review of the contents of these accompanying 15 pages (Exhibit D), reveals that the mailed Official Action of July 28, 2006 was somehow received by the Office of Initial Patent Examination on July 10, 2006. This is borne by the OIPE stamp which appears on the front page of the PTO-9C, as well as on the PTO-1449 of that July 10, 2006 communication. Thus, it would appear that the June 28, 2006 non-received Official Action, may have been returned to the USPTO by the United States Postal Service, and date-stamped in the USPTO July 10, 2006. This is not unusual as the undersigned attorney is aware of at least one other instance where USPTO mail was returned to the USPTO as the intended addressee, Young & Thompson's address was not visible through the window of the mailing envelope.

In view of the above remarks, and the accompanying exhibits, it is respectfully submitted that petitioner never received an Official Action dated June 28, 2006, nor July 10, 2006.

Accordingly, it is respectfully requested that:

- 1) the holding of abandonment for failure to respond within the statutory period be **withdrawn**;
- 2) the June 28, 2006 non-final Official Action be **re-mailed** to the undersigned attorney; and

COTTRELL S.N. 10/529,178

3) the period for responding to such re-mailed
Official Action be **restarted**.

Respectfully submitted,

YOUNG & THOMPSON

By

Benoit Castel

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BC/fb

MASTER

Wednesday, September 27, 2006

Report Selection

Record Count: 104

- ☒ by Due Date
- ☐ by Due Date (Calendar)
- ☐ by Attorney
- ☐ by Attorney (Via Email)
- ☐ by Client

Report Format

☐ Concise

☒ Comprehensive

Past Reminders

☒ Include

☐ Do Not Include

Remarks

☐ Print

☒ Do Not Print

Title

☐ Print

☒ Do Not Print

Inventors

☒ Print

☐ Do Not Print

Preview before printing ☒

From Date: 28-Sep-2006

To Date: 28-Sep-2006

Status(es):

Case Type(s):

Action Type:

Action Due:

Indicator:

Client:

Country:

Area: Attorney:

Status Codes:

☐ Active

☐ Inactive

☒ All

EXHIBIT A

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Due Date List By Date

28-Sep-2006 To 28-Sep-2006

[illegible]

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28-Sep-2006 To 28-Sep-2006

[illegible]

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28-Sep-2006 To 28-Sep-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
<i>Inventors: HEALD, Steve</i>						
28-Sep-2006	Missing items recv'd?	0546-1082	Pending	10/550,945	28-Sep-2005	
Due Date	US-Missing Requirements	United States	Cabinet Philippe Kohn			
<i>Inventors: CHAZELAS, Axel</i>						
28-Sep-2006	Correct Bibliographic Data	0567-1017	Pending	11/478,579	03-Jul-2006	
Target Date		United States	Cabinet Lavoix-Lyon			
<i>Inventors: BONDET, Pierre</i>						
28-Sep-2006	Filing Reminder	0573-1022	Pending	60/730,840	28-Oct-2005	
Due Date	File Application	United States	Cabinet Jeannot			
<i>Inventors: FLATTIN, David</i>						
28-Sep-2006	Request Corr OFR	0579-1088	Pending	10/533,772	04-May-2005	
Reminder	Request for Corr OFR	United States	SANTARELLI (Paris)			
<i>Inventors: FISCHER, Jean-Bernard</i>						
28-Sep-2006	Corr Notice of Record Recv'd?	0579-1112	Published	10/563,554	14-Apr-2006	
Reminder	Record Assign or other Change	United States	SANTARELLI (Paris)			
<i>Inventors: ROSSITER, William F</i>						
28-Sep-2006	Information Discl Follow Up	0579-1121	Pending	10/573,777	28-Mar-2006	NCD
Reminder		United States	SANTARELLI (Paris)			
<i>Inventors: TEULINGS, Willem Johan Anton</i>						
28-Sep-2006	Re-Record Assignment?ask BC	0584-1045	Pending	10/586,645	19-Jul-2006	
Reminder	Record Assign or other Change	United States	Lerner et Associes			

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28-Sep-2006 To 28-Sep-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
28-Sep-2006 Due Date	Declaration reviewed? Dec recvd from client?	0584-1045 United States	Pending Lerner et Associates	10/586,645	19-Jul-2006	
Inventors: TEULINGS, Willem Johan Anton						
28-Sep-2006 Reminder	Drawings rec'd okay? US-3 Month Office Action	0625-1004 United States	Pending SCHMIT - CHRETIEEN - SCHIHIN (CERGY, FRANCE)	29/230,437	23-May-2005	
Inventors: RICA, Didier						
28-Sep-2006 Atty Reminder	EJ to prepare analysis	1501-0684 / 2 United States	Pending Albihns Stockholm AB	90/007,940	16-Feb-2006	EJ
Inventors: LANS H						
28-Sep-2006 Reminder	US Missing Requirement recv'd? US-Missing Requirements	1504-1048 United States	Pending VALEA AB	10/558,398	28-Nov-2005	
Inventors: DAHL, Roger						
28-Sep-2006 Reminder	Record Assign or other Change	1507-1039 United States	Pending Norrtelje Patentbyrå AB	11/473,021	23-Jun-2006	
Inventors: LINDEN, Bill						
28-Sep-2006 Reminder	Priority Document Filed?	1507-1039 United States	Pending Norrtelje Patentbyrå AB	11/473,021	23-Jun-2006	
Inventors: LINDEN, Bill						

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28-Sep-2006 To 28-Sep-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCountry	Status Client	App Number Pat Number	Attys App Date Iss Date
<i>Inventors:</i> WANDIN, Olle					
28-Sep-2006 Reminder	Pending Document Filed?	1509-1061 / United States	Pending Albilns Goteborg AB	60/754,212	28-Dec-2005
<i>Inventors:</i> ERICSSON, Birger					
28-Sep-2006 Reminder	Req Exam Reminder Deferred Exam Reminder	1517-1037 / Canada	Pending SCA HYGIENE PRODUCTS AB		24-Mar-2005 EJ NCD
<i>Inventors:</i> FORMON, John S					
28-Sep-2006 Final	Foreign Filing Reminder Foreign Filing	1517-1065 / United States	Pending SCA HYGIENE PRODUCTS AB	11/318,778	28-Dec-2005 AP NCD LM
<i>Inventors:</i> FORMON, John S					
28-Sep-2006 Due Date	IDS ACTUAL Follow Up Date IDS ACTUAL	1517-1071 / United States	Pending SCA HYGIENE PRODUCTS AB	11/390,185	28-Mar-2006
<i>Inventors:</i> Wieser, Russell G					
28-Sep-2006 Target Date	FILE CONTINUATION IN PART APPL NEW CASE FILING	1517-1083 / United States	Unfiled SCA HYGIENE PRODUCTS AB		EJ NCD
<i>Inventors:</i> FORMON, John S					
28-Sep-2006 Due Date	EJ send arguments to Examiner?	2004-1008 / United States	Pending Vereenigde Octrooibureaux N.V.	10/204,304	18-Nov-2002 LM TRA
<i>Inventors:</i> Draaijer, Arie					

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28-Sep-2006 To 28-Sep-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
28-Sep-2006 Reminder	Information Discl Follow Up	2501-1013 United States	Pending Fiammenghi-Fiammenghi	10/573,648	28-Mar-2006	
<i>Inventors:</i> LAURIA, Agostino						
28-Sep-2006 Target Date	File CIP & 2mos Ext in Parent NEW CASE FILING	2502-1037 / I United States	Unfiled Ing. A. Giambrocono & C. SRL (Milan)			TWP NCD
28-Sep-2006 Due Date	3 Month Due Date - Final US-3 mo. Final Office Action	2512-1099 United States	Pending Fumero - Studio Consulenza Brevetti	10/466,909	23-Jul-2003	
<i>Inventors:</i> SALPIETRA, Gianni						
28-Sep-2006 Reminder	Missing items recv'd? US-Missing Requirements	2520-1078 United States	Pending Ing. Barzano & Zanardo Roma	10/584,689	28-Jun-2006	
<i>Inventors:</i> AMARI, Sergio						
28-Sep-2006 Reminder	Application Status Check	2540-1023 United States	Pending BUGNION S.p.A (ROME)	29/222,219	28-Jan-2005	
<i>Inventors:</i> CINCOTTI, Gabriella						
28-Sep-2006 Due Date	3 Month Due Date US-3 Month Office Action	2541-1012 United States	Pending BUGNION S.p.A. (MODENA)	10/695,787	30-Oct-2003	BC
<i>Inventors:</i> BUONANNO, Antonio						
28-Sep-2006 Reminder	Recd Approval of Fml Dwgs? Notice of Allowance - Dwgs	3507-1003 United States	Allowed OY JALO ANT-WUORINEN AB	29/216,689	08-Nov-2004	
<i>Inventors:</i> MOROTTI, Giuliano						
<i>Inventors:</i> KAURANEN, Erkki						

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Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	Attys Iss Date
28-Sep-2006 Reminder	Serial Number Received?	5574-1004 United States	Pending Eudes de CRECY	60/840,460	28-Aug-2006
Inventors: DE CRECY, Eudes					
28-Sep-2006 Reminder	File Revocation & Power	5610-1001 / 3 United States	Published DAPHNE INSTRUMENTS, INC.	10/946,700	22-Sep-2004 AP
28-Sep-2006 Due Date	Demand/Article 34 Due in 2 mos	5613-1001 Patent Cooperation Treaty	Pending Vincent EHRET	PCT/US06/03080	27-Jan-2006 BC
Inventors: EHRET, Vincent					
28-Sep-2006 Due Date	Chapter I Due(Nat'l Filing)	5613-1001 Patent Cooperation Treaty	Pending Vincent EHRET	PCT/US06/03080	27-Jan-2006 BC
Inventors: EHRET, Vincent					
28-Sep-2006 Due Date	Search Report recv'd? Search Report	5613-1001 Patent Cooperation Treaty	Pending Vincent EHRET	PCT/US06/03080	27-Jan-2006 BC
Inventors: EHRET, Vincent					
28-Sep-2006 Reminder	Priority Document Filed?	5616-1001 / 1 United States	Pending R. Clark DuBOIS	11/476,048	28-Jun-2006 TP
Inventors: DuBOIS, R. Clark					
28-Sep-2006 Reminder	Small Entity 1wk Small Entity Notification	6006-1008 United States	Pending PIPERS (BRISBANE)	11/481,891	07-Jul-2006
Inventors: HUETT, Terry					

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Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
28-Sep-2006 Due Date	Application Status Check	6501-1047 United States	Pending MORRISON FORSTER, INC.	10/529,485	28-Mar-2005	
<i>Inventors:</i> STEYN, Duncan Lewis						
28-Sep-2006 Due Date	drawings accepted? fig 3 US-3 Month Office Action	8001-1065 United States	Allowed NEC PATENT SERVICE, LTD.	10/241,515	12-Sep-2002	
<i>Inventors:</i> WATARAI, Seiichi						
28-Sep-2006 Reminder	Notice of Record Recv'd? Record Assign or other Change	8006-1032 United States	Pending MATSUMOTO PATENT OFFICE	10/576,112	14-Apr-2006	
<i>Inventors:</i> UEMATSU, Akira						
28-Sep-2006 Due Date	Application Status Check	8007-1090 United States	Published Hatori & Co.	10/529,487	28-Mar-2005	
<i>Inventors:</i> MUSHHA, Shinichi						
28-Sep-2006 Due Date	IDS ACTUAL Follow Up Date IDS ACTUAL	8012-1387 United States	Pending Kyoritsu Institute for International Industrial	11/390,194	28-Mar-2006	
<i>Inventors:</i> MASUDA, Takeshi						
28-Sep-2006 Due Date	Application Status Check	8014-1049 / I United States	Pending Intect International Pat. Off.	11/090,169	28-Mar-2005	EJ
<i>Inventors:</i> SHIMIZU Y						
28-Sep-2006 Due Date	IDS ACTUAL Follow Up Date IDS ACTUAL	8015-1059 United States	Pending Inprotech International, Inc.	11/390,135	28-Mar-2006	
<i>Inventors:</i> INAMOTO, Masayuki						

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28-Sep-2006 To 28-Sep-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
28-Sep-2006 Reminder	Status Inquiry Requested Application Status Check	8028-1050 United States	Pending Yamashita & Associates	10/518,510	21-Dec-2004	
<i>Inventors:</i> SHIMODA, Tsuyoshi						
28-Sep-2006 Due Date	IDS ACTUAL Follow Up Date IDS ACTUAL	8029-1081 United States	Pending Moriyama Patent Office	11/390,134	28-Mar-2006	NCD
28-Sep-2006 Reminder	Abandonment-F/wd to Client Notice of Abandonment Rec'd?	8038-1049 United States	Abandoned Fusoh Patent Firm	10/701,557	06-Nov-2003	TP
<i>Inventors:</i> YAMAMOTO, Hiroshi						
28-Sep-2006 Due Date	Tax 11.5	8040-0044 United States	Granted Aspire International Patent Firm	119676 5402446	13-Sep-1993 28-Mar-1995	
<i>Inventors:</i> MINAMI Y						
28-Sep-2006 Reminder	Report Missing Parts to client US-Missing Parts ACTUAL DUE	8048-1182 United States	Pending Tokyo Central Patent Firm	11/513,041	31-Aug-2006	
<i>Inventors:</i> KISHI, Kawori						
28-Sep-2006 Target Date	Per client file before 9/29/06 30-month PCT	8048-1192 United States	Unfiled Tokyo Central Patent Firm			NCD
<i>Inventors:</i> KURODA, Kazuo						
28-Sep-2006 Target Date	Per client file before 9/29/06 30-month PCT	8048-1193 United States	Unfiled Tokyo Central Patent Firm			NCD
<i>Inventors:</i> KURODA, Kazuo						

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Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	Attys App Date Iss Date
28-Sep-2006 Target Date	Per client file before 9/29/06 30-month PCT	8048-1196 United States	Unfiled Tokyo Central Patent Firm		NCD
Inventors: KURODA, Kazuo					
28-Sep-2006 Target Date	Per client file before 9/29/06 30-month PCT	8048-1197 United States	Unfiled Tokyo Central Patent Firm		NCD
Inventors: KURODA, Kazuo					
28-Sep-2006 Target Date	Per client file before 9/29/06 30-month PCT	8048-1198 United States	Unfiled Tokyo Central Patent Firm		NCD
Inventors: TOMITA, Yoshimi					
28-Sep-2006 Due Date	FILE DIVISIONAL APPLICATION NEW CASE FILING	8053-1015 / 1 United States	Unfiled Igarashi & Associates		LM NCD
Inventors: TANAKA, Takekazu					
28-Sep-2006 Due Date	Allowed - File CON or DIV? Notice of Allowance/Pub Fee	8053-1015 United States	Allowed Igarashi & Associates	10/602,044	24-Jun-2003 LM NCD
Inventors: TANAKA, Takekazu					
28-Sep-2006 Due Date	Information Dis Follow Up Date Information Disclosure Stmtnt	8062-1037 United States	Pending Moegi Patent Office (formerly Fujino)	10/573,776	01-Jun-2006
Inventors: MORITA, Yoshikazu					
28-Sep-2006 Reminder	Forward Notice of Acceptance 371 Notice of Acceptance	8075-1024 United States	Pending Fukumori Patent Office	10/562,835	29-Dec-2005
Inventors: YOKOH, Kuniyoshi					

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28-Sep-2006 To 28-Sep-2006

Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
28-Sep-2006 Target Date	Correct Bibliographic Data	8075-1024 United States	Pending Fukumori Patent Office	10/562,835	29-Dec-2005	
<i>Inventors:</i> YOKOH, Kuniyoshi						
28-Sep-2006 Due Date	RCE- Check Status	8075-1042 United States	Pending Fukumori Patent Office	10/266,480	08-Oct-2002	
28-Sep-2006 Reminder	Notice of Record Recv'd? Record Assign or other Change	8075-1045 United States	Pending Fukumori Patent Office	10/569,137	22-Feb-2006	
<i>Inventors:</i> TODA, Masayuki						
28-Sep-2006 Target Date	Correct Bibliographic Data	8075-1097 United States	Pending Fukumori Patent Office	10/581,441	02-Jun-2006	
28-Sep-2006 Reminder	Record Assign or other Change	8075-1097 United States	Pending Fukumori Patent Office	10/581,441	02-Jun-2006	
<i>Inventors:</i> KASAMA, Yasuhiko						
28-Sep-2006 Reminder	Missing items recvd? US-Missing Requirements	8075-1097 United States	Pending Fukumori Patent Office	10/581,441	02-Jun-2006	
<i>Inventors:</i> KASAMA, Yasuhiko						
28-Sep-2006 Atty Reminder	Atty Review - Instructions Correct Bibliographic Data	8075-1099 United States	Pending Fukumori Patent Office	10/585,245	05-Jul-2006	
<i>Inventors:</i> KASAMA, Yasuhiko						

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28-Sep-2006 To 28-Sep-2006

Due Date Indicator	Action Due Action Type	Case Number/Sub Case Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
28-Sep-2006		<i>Inventors:</i> KASAMA, Yasuhiko				
Reminder	Missing items recvd? US-Missing Requirements	8075-1099 United States	Pending Fukumori Patent Office	10/585,245	05-Jul-2006	
28-Sep-2006		<i>Inventors:</i> KASAMA, Yasuhiko				
Target Date	Correct Bibliographic Data	8075-1099 United States	Pending Fukumori Patent Office	10/585,245	05-Jul-2006	
28-Sep-2006		<i>Inventors:</i> KASAMA, Yasuhiko				
Reminder	Record Assign or other Change	8075-1099 United States	Pending Fukumori Patent Office	10/585,245	05-Jul-2006	
28-Sep-2006		<i>Inventors:</i> KASAMA, Yasuhiko				
Reminder	Forward Decl/POA and Assign Forward Requested Documents	8075-1111 United States	Pending Fukumori Patent Office		20-Sep-2006	
28-Sep-2006		<i>Inventors:</i> KASAMA, Yasuhiko				
Due Date	FOREIGN ANNUITY DUE CONF PAY FOREIGN ANNUITY DUE	9002-1009 Venezuela	Granted Investigacion De Tecnologia Avanzada, S.A. DE C.V.	1263/95 59.146	28-Jul-1995 28-Jul-1995	
28-Sep-2006		<i>Inventors:</i> RUBIO, Manuel J.				
Due Date	FOREIGN ANNUITY DUE CONF PAY FOREIGN ANNUITY DUE	9002-1017 Venezuela	Pending Investigacion De Tecnologia Avanzada, S.A. DE C.V.	1262/95	28-Jul-1995	
28-Sep-2006		<i>Inventors:</i> RAINEY, R S				

Wednesday, September 27, 2006

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28-Sep-2006 To 28-Sep-2006

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Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
28-Sep-2006	CO annuities clarified?	9002-1030	Granted	95033452	27-Jul-1995	
Due Date		Colombia	Investigacion De Tecnologia Avanzada, S.A. DE C.V.	26337	19-Apr-2000	

Inventors: RAINEY, R S

28-Sep-2006	File Priority Claim	9014-1004	Pending	11/408,174	21-Apr-2006
Reminder	Claim Priority	United States	Agnes KORMOS		

Inventors: KLIS, Jozsef

CLIENT REF.: 02445US

CPI ENT. 4W NC PROOF CPI PROOF

COTTRELL

U.S. PATENT APPLICATION

GROUP

2837

APPLICATION No.

10/529,178

CORRESPONDENT

J.R. BADGER & CO.

INVENTOR

BRIAN COTTRELL

ASSIGNEE

INVENSYS CONTROLS UK LTD

TITLE

DIAGNOSTIC TOOL FOR AN ENERGY CONVERSION APPLIANCE

FILED:

March 24, 2005

CONF. No.

2058

ALLOWED

ISSUE FEE PAID

Convention

PATENT No.

C.C. FILED

ISSUE DATE

PRIORITY **CLAIMED:**

International Application No. PCT/GB2003/004059 filed 9/23/03 claiming priority

GB 0222137.2 filed 9-24-02

GB 0229855.2 filed 12-23-02

Application filed 3/24/05

Assign + Dec 3/24/05

Prosim 3/24/05

IDS + SR 3/24/05

IDS filed - - - - - Oct 7-05

Offr fwd to J. Nov. 30-05

Assignment to J. Feb 3-06

IDS - - - - - April 18-06

SMALL ENTITY STATUS CLAIMED

YES

☐

EXHIBIT B

BEST AVAILABLE COPY

10/529,178 Diagnostc tool for an energy convesion appliance

01-05-
2007::09:58:34

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Description	Document Category	Page Count
07-10-2006	Final Rejection	PROSECUTION	15
06-28-2006	Non-Final Rejection	PROSECUTION	12
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06-28-2006	Bibliographic Data Sheet	PROSECUTION	1
06-28-2006	Index of Claims	PROSECUTION	1
06-28-2006	Search information including classification, databases and other search related notes	PROSECUTION	1
06-22-2006	Examiner's search strategy and results	PROSECUTION	2
04-18-2006	Information Disclosure Statement (IDS) Filed	PROSECUTION	3
04-18-2006	NPL Documents	PRIOR ART	4
11-09-2005	Fee Worksheet (PTO-06)	PROSECUTION	1
11-09-2005	Index of Claims	PROSECUTION	1
10-14-2005	Notice of DO/EO Acceptance Mailed	PROSECUTION	2
10-07-2005	Foreign Reference	PRIOR ART	40
10-07-2005	Foreign Reference	PRIOR ART	24
10-07-2005	Foreign Reference	PRIOR ART	8
10-07-2005	Foreign Reference	PRIOR ART	42
10-07-2005	Foreign Reference	PRIOR ART	20
10-07-2005	Information Disclosure Statement (IDS) Filed	PROSECUTION	3
10-07-2005	NPL Documents	PRIOR ART	2
03-24-2005	Transmittal of New Application	PROSECUTION	2
03-24-2005	Authorization for Extension of Time all replies	PROSECUTION	2
03-24-2005	Specification	PROSECUTION	9
03-24-2005	Claims	PROSECUTION	5
03-24-2005	Abstract	PROSECUTION	1
03-24-2005	Drawings	PROSECUTION	2
03-24-2005	Oath or Declaration filed	PROSECUTION	2
03-24-2005	Fee Worksheet (PTO-06)	PROSECUTION	1
03-24-2005	Fee Worksheet (PTO-06)	PROSECUTION	1
03-24-2005	Preliminary Amendment	PROSECUTION	1
03-24-2005	Specification	PROSECUTION	1
03-24-2005	Claims	PROSECUTION	6
03-24-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
03-24-2005	Abstract	PROSECUTION	2
03-24-2005	Application Data Sheet	PROSECUTION	3
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03-24-2005	Certified Copy of Foreign Priority Application	PROSECUTION	9
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03-24-2005	Bibliographic Data Sheet	PROSECUTION	1
03-24-2005	Claims Worksheet (PTO-2022)	PROSECUTION	1
03-24-2005	Miscellaneous Internal Document	PROSECUTION	1
03-24-2005	Documents submitted with 371 Applications	PROSECUTION	3
03-24-2005	Documents submitted with 371 Applications	PROSECUTION	1
03-24-2005	Documents submitted with 371 Applications	PROSECUTION	21

EXHIBIT C



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,178	03/24/2005	Brian Cottrell	3009-1015	2058

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EXAMINER

CHERRY, STEPHEN J

ART UNIT PAPER NUMBER

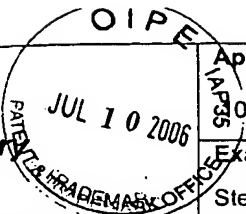
2863

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT D

Office Action Summary



Application No.

0/529,178

Applicant(s) _____

COTTRELL, BRIAN

Examiner

Stephen J. Cherry

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is **non-final**.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-18-06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 4-18-2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because this listed patent, 6,262,660 is not to the inventor named on Information Disclosure Statement. It has been placed in the application file, but the information referred to therein regarding '660 citation has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12, and 17-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims merely recite the collection and analysis of data and do not produce a tangible result.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-11, 13-16, 19, 21-24, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,120,214 to West et al.

Regarding claim 1, West discloses a method of monitoring an energy conversion appliance of a kind which involves a combustion process and which, in normal use, performs two or more operational events in a pre-determined sequence, each said event having a different acoustic signature ('214, fig. 1, and col. 5, line 56), said method comprising providing a sound receiving transducer and positioning said transducer to receive sound signals emitted by the appliance during two or more operational events, one of said operational events comprising a fluid flow event which is related to the process of combustion and a second of said operational events comprising operation of a mechanical or electro-mechanical device ('214, fig. 1, ref 101, position near flame and would receive other sounds of burner), providing output means associated with said sound receiving transducer, said output means being responsive to the sound emitted

by the appliance ('214, fig. 1, ref. 103), and employing a monitoring means to compare said received sound signals with pre-established data ('214, col. 9, line 61).

Regarding claim 4, and in view of the rejection of claim 1 above, West discloses a method according to claim 1, wherein the monitoring means is operable to determine whether an acoustic signature indicative of an operational event is concomitant with normal performance of that operational event ('214, col. 9, line 61, expressed in output firing rate).

Regarding claim 5, and in view of the rejection of claim 1 above, West discloses a method according to claim 1, wherein the output means is responsive to occurrences of the sound emitted by the appliance, or by a single operational event, departing from said sound profile concomitant with proper functioning of the appliance or said operational event ('214, col. 9, line 61, expressed in output firing rate).

Regarding claim 6, and in view of the rejection of claim 5 above, West discloses a method according to claim 5, wherein the output means is responsive only if the emitted sound lies beyond a pre-established threshold level ('214, col. 9, line 20, expressed in output firing rate).

Regarding claim 7, and in view of the rejection of claim 1 above, West discloses a method according to claim 1, wherein the appliance comprises a protective enclosure which protects the appliance from the surrounding environment and within which enclosure said two or more operational events occur, said method comprising providing said sound receiving transducer within said enclosure ('214, fig. 1, ref. 5).

Regarding claim 8, and in view of the rejection of claim 1 above, West discloses a method according to claim 1 and comprising employing the output means to transmit signals related to the acoustic signatures of events within the operating sequence of the appliance to remote data processing means ('214, fig. 1, ref. 103 transmits to ref. 107, 109, and 43)).

Regarding claim 9, and in view of the rejection of claim 8 above, West discloses a method according to claim 8, wherein said transmission of signals from the output means occurs daily on a regular basis ('214, col. 9, line 64).

Regarding claim 10, and in view of the rejection of claim 1 above, West discloses a method according to claim 1, wherein said operational event which comprises operation of a mechanical or electromechanical device comprises at least one of operation of a pump, operation of a relay, and flow of liquid or gas through a pipe ('214, col. 10, line 1).

Regarding claim 11, and in view of the rejection of claim 1 above, West discloses a method according to claim 1, wherein said fluid flow event which is related to the process of combustion comprises the flow of gas or liquid fuel to or through a combustion zone or flow of combustion products from the combustion zone ('214, col. 10, line 1, and fig. 1).

Regarding claim 13, and in view of the rejection of claim 1 above, West discloses a method according to claim 1, wherein the output means either substantially directly, or substantially indirectly via remote data processing means, causes operation of an alarm

when the sound emitted by the appliance departs from a sound profile concomitant with proper functioning of the appliance ('214, col. 10, line 17).

Regarding claim 14, and in view of the rejection of claim 13 above, West discloses a method according to claim 13, wherein the alarm is an audible alarm in the vicinity of the appliance ('214, col. 10, line 17).

Regarding claim 15, and in view of the rejection of claim 13 above, West discloses a method according to claim 13, wherein an alarm is actuated at a position remote from the appliance ('214, col. 10, line 17, alarm is inherently somewhat remote from flame to prevent damage from heat).

Regarding claim 16, and in view of the rejection of claim 1 above, West discloses a method according to claim 1, wherein the monitoring means is operable to cause shutting down of the appliance in the event of the acoustic signature of an operational event departing by a pre-determined amount from an acoustic signature concomitant with proper functioning of that operational event ('214, col. 10, line 1, sound causes reduction of flame during adjustment).

Regarding claim 19, and in view of the rejection of claim 1 above, West discloses a method according to claim 1, and providing to the monitoring means signals from transducers of a non-acoustic type ('214, col. 7, line 38).

Regarding claim 21, and in view of the rejection of claim 1 above, West discloses a diagnostic tool for an energy conversion appliance of a kind which, in normal use, performs two or more operational events in a pre-determined sequence and each said

event having a different acoustic signature, said diagnostic tool being adapted for performing a method in accordance with claim 1 ('214, fig. 1, ref. 43).

Regarding claim 22, and in view of the rejection of claim 1 above, West discloses a diagnostic tool for an energy conversion appliance of a kind which involves a combustion process and which, in normal use, performs two or more operational events in a pre-determined sequence and each said event having a different acoustic signature, one of said operational events comprising a fluid flow event which is related to the process of combustion and a second of said operational events comprising operation of a mechanical or electro-mechanical device ('214, fig. 1), said diagnostic tool comprising a sound receiving transducer coupled to output and monitoring means to identify, discriminate and log the acoustic signatures of said operational events within the operating sequence of the appliance ('214, fig. 1, ref 101, position near flame and would receive other sounds of burner), said monitoring means being operable to compare said received acoustic signatures with pre-established data ('214, col. 9, line 61).

Regarding claim 23, and in view of the rejection of claim 22 above, West discloses a diagnostic tool according to claim 22, wherein means is provided to transmit to remote data processing means signals related to the acoustic signatures of operating events within the operating sequence of the appliance ('214, col. 8, line 45).

Regarding claim 24, and in view of the rejection of claim 22 above, West discloses a diagnostic tool according to claim 22, wherein the energy conversion

appliance comprises a protective enclosure within which said operational events occur, the or each sound receiving transducer being provided within said enclosure ('214, fig. 1, ref. 5, with 101 extending within the enclosure).

Regarding claim 26, and in view of the rejection of claim 22 above, West discloses a diagnostic tool according to claim 22, wherein said sound receiving transducer is receptive to an acoustic signature related to the process of combustion and which comprises the flow of gas or liquid fuel to or through a combustion zone or flow of combustion products from the combustion zone ('214, col. 9, line 20).

Regarding claim 27, and in view of the rejection of claim 22 above, West discloses a diagnostic tool according to claim 22, wherein said sound receiving transducer is receptive to the acoustic signature associated with an operational event which comprises at least one of operation of a pump, operation of a relay, and flow of a liquid or gas through a pipe ('214, col. 10, line 1).

Regarding claim 28, and in view of the rejection of claim 22 above, West discloses a diagnostic tool according to claim 22, wherein the output or monitoring means has coupled thereto a transducer of a kind responsive to signals other than sound ('214, col. 7, line 38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 12, 17-18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,120,214 to West et al in view of GB 2156520 to Carr-Brion.

Regarding claims 2-3, 12, 17-18, and 25, West discloses a method of monitoring an energy conversion appliance of a kind which involves a combustion process and which, in normal use, performs two or more operational events in a pre-determined sequence, each said event having a different acoustic signature ('214, fig. 1, and col. 5, line 56), said method comprising providing a sound receiving transducer and positioning said transducer to receive sound signals emitted by the appliance during two or more operational events, one of said operational events comprising a fluid flow event which is related to the process of combustion and a second of said operational events comprising operation of a mechanical or electro-mechanical device ('214, fig. 1, ref 101, position near flame and would receive other sounds of burner), providing output means associated with said sound receiving transducer, said output means being responsive to the sound emitted by the appliance ('214, fig. 1, ref. 103), and employing a monitoring means to compare said received sound signals with pre-established data ('214, col. 9, line 61), and

West discloses a diagnostic tool for an energy conversion appliance of a kind which involves a combustion process and which, in normal use, performs two or more operational events in a pre-determined sequence and each said event having a different acoustic signature, one of said operational events comprising a fluid flow event which is

related to the process of combustion and a second of said operational events comprising operation of a mechanical or electro-mechanical device ('214, fig. 1), said diagnostic tool comprising a sound receiving transducer coupled to output and monitoring means to identify, discriminate and log the acoustic signatures of said operational events within the operating sequence of the appliance ('214, fig. 1, ref 101, position near flame and would receive other sounds of burner), said monitoring means being operable to compare said received acoustic signatures with pre-established data ('214, col. 9, line 61).

However, West does not detect the occurrences of positions of events in sequences.

The claims further recite detecting the positions of sounds in sequences with a plurality of different sensors ('520, page 1, line 67) and comparing with baseline data to detect faults in the position of sounds in a series of steps to determine correct operation ('520, page 2, line 70).

Thus, it would have been obvious to one of ordinary skill in the art to combine the invention of West with the sequence detection of Carr-Brion to provide protection of equipment and persons ('520, page 1, line 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJC


MICHAEL NGHIEM
PRIMARY EXAMINER

NEW NATIONAL PHASE

Group Art Unit:

Y&T September 29, 2004

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